

REMARKS

Claims 1 to 99 have been cancelled. Claims 100 to 119 have been added.

The specification has been objected to for need of updating of the status of the application. The status of the application in the specification has been updated via amendment.

Claims 16, 82, and 83 have been objected to as being in improper dependent form. The objection is moot since the claims have been cancelled.

Claims 31 to 62, 83, and 96 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection is moot since the claims have been cancelled.

Claims 1 to 5, 10 to 20, 25, 27, 90 to 93, and 95 to 99 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,122,043 to Kersnar et al. (Kersnar). The rejection of the claims is moot since they have been cancelled.

Claims 21 to 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable in view of Kersnar. The rejection of the claims is moot since they have been cancelled.

Claims 7 to 9, 28, 30 to 48, 53, 55 to 70, 84, and 86 to 99 have been rejected under 35 U.S.C. 103(a) as being unpatentable in view of Kersnar as applied to claims 1 to 6, 10 to 25, 27, 90 to 93, and 95 to 99 above, and further in view of U.S. Patent No. 4,375,421 to Rubin et al. (Rubin). The rejection of the claims is moot since they have been cancelled.

Claims 49 to 52 and 80 to 83 have been rejected under 35 U.S.C. 103(a) as being unpatentable in view of Kersnar as applied to claims 1 to 6, 10 to 25, 27, 90 to 93, and 95 to 99 above, and further in view of Rubin. The rejection of the claims is moot since they have been cancelled.

New claims 100 to 118 relate to viscoelastic fluids having 1) an aqueous medium, 2) erucyl amidopropyl betaine, and 3) a member selected from the group consisting of organic acids, organic acid salts, inorganic salts, and combinations of one or more organic acids or organic acid salts with one or more inorganic salts. Erucyl amidopropyl betaine is a compound corresponding to the structural formula for alkylamidopropyl betaine in the specification at page 10 (bottom, line 9) wherein "R₁" is a C₂₁ alkyl group. The specification discloses an erucyl alkyl group for "R₁" at page 6, line 37. New claim 119 relates to a composition having erucyl amidopropyl betaine.

New claims 100 to 119 patentably distinguish over Kersnar. Claims 100 to 119 require erucyl amidopropyl betaine, which is not disclosed in Kersnar. Kersnar discloses amido betaines at col. 2, line 60 to col. 3, line 15, wherein "R₁" is an alkyl radical having from 12 to 18 carbon atoms (col. 3, lines 1 and 2). In contrast, the erucyl amidopropyl betaine of the claimed invention has an "R₁" of a C₂₁ alkyl group (page 10, bottom of the specification). Claims 105 to 108, 117, and 119 also distinguish over Kersnar because they require particular amounts of erucyl amidopropyl betaine, which is not disclosed in Kersnar. Claims 101 to 104 and 113 to 118 also distinguish over Kersnar because they require an anionic surfactant, which is not disclosed in Kersnar. Claims 102 to 104 and 113 to 118 also require particular amounts of anionic surfactant, which is not disclosed in Kersnar. Claim 112 also distinguishes over Kersnar because it

requires a nonionic surfactant or cationic surfactant, neither of which is disclosed in Kersnar.

New claims 100 to 119 patentably distinguish over Rubin. Claims 100 to 119 require erucyl amidopropyl betaine, which is not disclosed in Rubin. Rubin discloses amido betaines at col. 3, lines 35 to 56, wherein "R" is an alkyl or alkylene chain having from 9 to 17 carbon atoms. In contrast, erucyl amidopropyl betaine has an "R₁" of a C₂₁ alkyl group ("R₁" of structural formula at page 10, bottom of the specification corresponds to "R" of Rubin). Claims 105 to 108, 117, and 119 also distinguish over Rubin because they require particular amounts of erucyl amidopropyl betaine, which is not disclosed in Rubin. Claim 112 also distinguishes over Rubin because it requires a nonionic surfactant or cationic surfactant, neither of which is disclosed in Rubin.

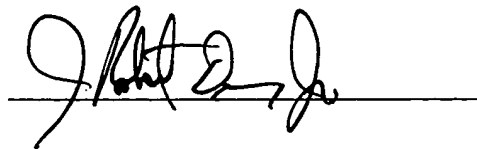
Claims 1 to 13, 31 to 41, 63 to 72, and 90 to 99 have been rejected for obviousness-type double patenting in view of claims 1 to 5 of U.S. Patent No. 6,258,859. The rejection of the claims is moot since they have been cancelled.

Claims 1 to 6, 10 to 11, 14 to 27, and 90 to 99 have been rejected for obviousness-type double patenting in view of claims 1 to 15 of U.S. Patent No. 6,482,866. The rejection of the claims is moot since they have been cancelled.

Claims 1 to 99 have been rejected for obviousness-type double patenting in view of claims 1 to 3 of U.S. Patent No. 6,831,108. The rejection of the claims is moot since they have been cancelled.

Allowance of new claims 100 to 119 is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Robert Dean, Jr.', is written over a horizontal line.

Dated: June 27, 2006

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